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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 001355

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TAGS: [KDEM](#) [KJUS](#) [PGOV](#) [IZ](#)  
SUBJECT: DE-BAATHIFICATION LEGISLATION UPDATE: CHALABI  
DRAFT MOVES FORWARD

REF: BAGHDAD 1256

Classified By: Acting Deputy Chief of Mission Margaret Scobey for reasons 1.4 (B) and (D).

11. (C) SUMMARY: In an April 9 meeting, IIP CoR members expressed some dismay that the Higher National De-Baathification (HNDBC) draft law had been accepted by the CoR De-Baathification Committee at the expense of a Tawafuq version. They had insisted on amendments to the HNDBC draft and said they would have preferred VP Mehdi's draft, on which VP Hashimi had negotiated. They were disappointed that the PM and President had not submitted a draft to the CoR, and urged Poloffs to re-engage the VPs and introduce the legislation. END SUMMARY.

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De-Baath Committee Submits HNDBC/Chalabi Draft to Speaker  
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12. (C) Poloffs met with CoR Legal Committee Deputy Chair Salim Al-Jebouri and De-Baathification Committee member Rasheed Al-Azzawi (both Tawafuq/IIP) to discuss recent developments on de-Baathification legislation. Al-Azzawi said that the De-Baath Committee had considered both the HNDBC/Chalabi draft and the Tawafuq proposal before voting 6-1 to move the Chalabi draft forward. "We found ourselves alone," he lamented, noting that the Kurd and Iraqiyya members of the committee had voted in favor of the Chalabi version. (NOTE: He was unaware that neither draft had been properly vetted by the committee before submission. END NOTE).

13. (C) After the vote, which he recalled as taking place on April 6, Al-Azzawi met with De-Baath Committee chair Falah Hassan Shanshal (UIA/Sadrist). He requested a final reading of the draft in committee to ensure it contained the few edits he was able to secure before being sent to the Speaker's office. Poloffs showed the men copies of a letter from Shanshal to the Speaker, endorsing and sending forward the draft, and an official log, showing that the draft had been introduced by the De-Baathification Committee, rather than HNDBC or Chalabi, on April 1. Both were surprised by the procedural irregularities, but appeared resigned to accept the results.

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Al-Jebouri: "There Are Still Options"  
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14. (C) Al-Jebouri said that Tawafuq had hoped that the PM-President draft law would "cross barriers and solve problems." He claimed that they had read the draft and made administrative edits, and had been waiting for it to be introduced to the CoR. Although disappointed that the draft had not moved forward, Al-Jebouri was cautiously optimistic that its submission remained an option, noting that he could delay the HNCDB draft in the Legal Committee for a month or

more, provided that there was progress on the PM-President draft. Al-Azzawi was doubtful that the PM-President draft would pass the Council of Ministers, but both he and Al-Jebouri agreed that it would have to come from the GoI, rather than a group of CoR members, in order to be seriously considered by the De-Baath Committee.

¶5. (C) Al-Jebouri suggested that the Presidency Council be asked to sponsor the PM-President draft. That way, he reasoned, it could be directly introduced into the CoR. Al-Jebouri claimed to have worked with VP Hashimi on the early compromise draft negotiations, and said that Hashimi and VP Mehdi had been fairly close to reaching an agreement when they both went abroad on official travel. He believed that the VPs could resume a dialogue, possibly through ex-TNA Speaker Hajim Al-Hasani (Iraqiyya), and agree on amendments to the PM-President draft.

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Committee Draft Differs from Previous HNDBC Versions  
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¶6. (C) Although similar to previous HNDBC versions, the draft law that was forwarded to the Legal Committee contains small but significant changes. In the official version, Firqa level members are retired on pension, but are no longer eligible for reinstatement. The draft law also gives the HNDBC the right to "study" previous cases of reinstatement, "based on public interest requirements," which could result in previous exemptions being overturned. The HNDBC would have the right to rescind reinstatement orders or revoke pension benefits for anyone who has contacts with the "henchmen of the defunct regime." Finally, the De-Baath Committee draft retains the provisions extending the mandate

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of the HNDBC to include civil society and media.

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Next Steps  
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¶7. (C) Now that Chalabi's draft has moved one step closer to a first reading, post will continue to work with Al-Jebouri to delay its passage through the Legal Committee. We will also engage CoR Speaker Mashandani, who can both return the draft to committee for additional discussion and delay its placement on the CoR agenda.

¶8. (C) President Talabani has promised to discuss the draft with PM Maliki (reftel). If the PM does not agree to move forward with the draft, Talabani expressed willingness to approach the VPs for support. We will continue to press both Talabani and Maliki to move forward quickly, and will engage the VPs to build consensus on possible amendments.  
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